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Attorney for Defendant

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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD GREGORY EDWARDS,

Defendant.

**ORDER GRANTING DEFENDANT'S  
MOTION TO COMPEL**

Case No. 2:08-cr-0026-DB-PMW

District Judge Dee Benson

Magistrate Judge Paul M. Warner

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District Judge Dee Benson referred this case to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).<sup>1</sup> Before the court is Defendant's motion to compel.<sup>2</sup> On Wednesday, May 13, 2009, at 1:30 p.m., the court held oral argument on the motion.<sup>3</sup> Aric M. Cramer appeared on behalf of Donald Gregory Edwards ("Defendant"). Assistant United States Attorney Paul D. Kohler appeared on behalf of the United States of America. Only one entity,

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<sup>1</sup> See docket no. 38.

<sup>2</sup> See docket no. 43.

<sup>3</sup> See docket no. 55.

the City of St. George, opposed Defendant's motion to compel.<sup>4</sup> Although the court sent notice of the above-referenced hearing to all parties and the City of St. George, counsel for the City of St. George did not attend the hearing.

Prior to oral argument, the court carefully considered the written submissions on the motion. After hearing oral argument, the court granted the motion.<sup>5</sup> The court now enters this order to memorialize that ruling. Accordingly, **IT IS HEREBY ORDERED:**

1. The Defendant's motion to compel<sup>6</sup> is **GRANTED**.
2. The documents requested in the subpoena served on the Washington County Drug Task Force are to be delivered to Defendant's counsel on or before May 22, 2009.
3. If the documents are not delivered to Defendant's counsel on or before May 22, 2009, the court will fine the City of St. George \$5000.00 per day for every day that the documents have not been delivered.
4. In addition to, or in place of, the imposition of said fines, this court reserves the right to recommend to Judge Benson that this case be dismissed for discovery abuse.
5. When the documents are delivered to Defendant's counsel, he is prohibited from revealing to his client the identity or identities of any confidential informant(s)

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<sup>4</sup> See docket no. 47.

<sup>5</sup> See docket no. 55.

<sup>6</sup> See docket no. 43.

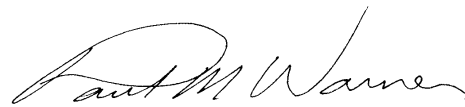
that may be in the discovery materials. However, counsel for the Defendant is free to disclose this information to his investigative team. All information provided is to be treated as confidential by Defendant's counsel and is not to be made public in any way, other than in open court or by a court order authorizing disclosure.

6. The court sets the following dates:
  - a. Pretrial motions shall be filed on or before June 15, 2009.
  - b. Any plea agreement shall be completed on or before June 22, 2009.
  - c. Proposed jury instructions and voir dire shall be provided to the court on or before July 10, 2009.
  - d. A two-day jury trial shall commence on July 13, 2009.

**IT IS SO ORDERED.**

DATED this 15th day of May, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER  
United States Magistrate Judge